

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

MELVIN PERKINS, #43166

PLAINTIFF

V.

CIVIL ACTION NO. 5:20-CV-194-DCB-MTP

DR. J. BURKE, ET AL.

DEFENDANTS

ORDER ADOPTING REPORT & RECOMMENDATION

THIS MATTER is before the Court Magistrate Judge Parker's sua sponte Report & Recommendation ("R&R") concerning Plaintiff's failure to prosecute this action and failure to comply with the Court's orders. [ECF No. 163]. The R&R was entered on March 10, 2022, and objections to the R&R were due by March 24, 2022. No party has filed an objection, and the time to do so has elapsed.

Judge Parker recommended that the matter be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). Judge Parker cites Plaintiff's repeated failure to comply with Court orders directing him to file his responses in a timely manner, and his failure to advise the Court of his current address as the basis for the recommendation. [ECF No. 163] at 2-3. Further, Judge Parker previously warned Plaintiff that the matter may be dismissed if he failed to respond to a show cause order issued on February 8, 2022.

[ECF No. 160]. Plaintiff has failed to respond to the aforementioned show cause order as well as the R&R currently before the Court. Indeed, both orders have been returned as undeliverable due to Plaintiff's failure to advise the Court as to his correct address. [ECF Nos. 164, 165].

After conducting a de novo review of the R&R, the Court agrees with the R&R's recommendation. Accordingly, the R&R is ADOPTED, and Plaintiff's claims against Defendants are hereby DISMISSED without prejudice. Defendants' Motions for Summary Judgment [ECF Nos. 148, 150] are DENIED as moot.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this 26th day of April, 2022.

David C. Bramlette  
DAVID C. BRAMLETTE III  
UNITED STATES DISTRICT JUDGE